

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

JAMES FITZGERALD BOWYER,

Debtor.

THE KIM LAW FIRM LLC and
RICHARD KIM,

Plaintiffs,

V.

JAMES FITZGERALD BOWYER,

Defendant.

Chapter 7

Case No. 19-13113(MDC)

Adv. No.

**ADVERSARY COMPLAINT TO HAVE THE CLAIMS OF THE KIM LAW
FIRM LLC AND RICHARD KIM EXEMPTED FROM DISCHARGE
PURSUANT TO 11 U.S.C. § 523(a)(6)**

Plaintiffs, The Kim Law Firm LLC and Richard Kim, Esquire, by and through their undersigned counsel, file this Adversary Complaint against James Fitzgerald Bowyer (“Debtor” or “Bowyer”) to have their claims exempted from discharge pursuant to 11 U.S.C. § 523(a)(6). In support, The Kim Law Firm LLC and Richard Kim state as follows:

PARTIES

1. Plaintiff, Richard Kim (“RK”) is an individual with an address of 1635 Market St., Suite 1600, Philadelphia, PA 19103.
2. Plaintiff, The Kim Law Firm, LLC (“KLF,” with “RK” are collectively the “Plaintiffs”) is a law firm headquartered at 1635 Market St., Suite 1600, Philadelphia, PA 19103.

3. Defendant James Fitzgerald Bowyer is an adult individual with a principal residence at 108 E. Mill Road, Flourtown, PA 19031.

JURISDICTION AND VENUE

4. On or about May 13, 2019, Bowyer commenced a bankruptcy case docketed at Case No. 19-13113(MDC), in the United States Bankruptcy Court for the Eastern District of Pennsylvania.

5. The bankruptcy case was commenced under Chapter 7 of Title 11 of the United States Code, 11 U.S.C. § 101 *et seq.*

6. The Bankruptcy Court has jurisdiction in this action pursuant to 28 U.S.C. § 157(b)(2)(I). This adversary proceeding is brought pursuant to Section 523 of the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure 4004, 4005, and 7001.

7. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

8. Venue of this Adversary Complaint is proper in this District pursuant to 28 U.S.C. § 1408.

FACTS

Introduction

9. Defendant is an attorney who has been licensed to practice law in the Commonwealth of Pennsylvania since November 24, 2008, with PA Bar ID No. 208186, and was employed by KLF from approximately September 2017 to November 2017.

10. In November 2017, Defendant was terminated from employment with KLF because, among other things, quality of work product.

11. Beginning in approximately March 2018 (the “Harassment Period”), Plaintiffs were subjected to a constant series of persistent harassment, defamation, and

threats, by Bowyer, which were intentional acts done for the specific purpose of causing harm to the Plaintiffs, which acts fall within the following general categories:

- a. Posting of approximately 80 different online reviews containing false and defamatory statements about Plaintiffs, where Bowyer used fake names and email addresses, while posing as prospective and former clients of Plaintiffs;
- b. Sending emails to Plaintiffs threatening physical harm and lawsuits, where Bowyer used fake names and email addresses to send the harassing content;
- c. Calling Plaintiffs and pretending to be prospective clients so that Plaintiffs could expend time and resources to investigate the alleged claims made by Bowyer posing as prospective client;
- d. Posing as RK and using his work name and email address to sign them up for numerous website newsletters which resulted in over a **1,000** spammed emails to be sent to him. In fact, Plaintiff still receives some of these emails to this very day, despite unsubscribing from the emails; and
- e. Using RK's personal telephone number to send him numerous and extensive "spam" text messages.

12. As detailed below, the harassing false and defamatory reviews by Bowyer claimed, among other things, that: RK could not speak English fluently, spoke with a "Chinese" accent, was an illegal immigrant, would only consider people of Chinese descent as clients, and could not effectively communicate with clients; that Plaintiffs stole money

from clients; that Plaintiffs were subject to sexual harassment claims; and that multiple complaints were filed against Plaintiffs with various federal and state agencies such as the Federal Trade Commission (“FTC”). All of these statements by Bowyer are false and defamatory, with the sole intent to cause reputational and financial harm to Plaintiffs. Bowyer was successful in causing the intended harm to Plaintiffs.

13. On May 28, 2019, Plaintiffs commenced a lawsuit against John Doe in the Philadelphia County Court of Common Pleas, at the May Term, 2018, Case No. 03106 (the “State Court Litigation”).

14. In the State Court Litigation, Plaintiffs served subpoenas upon AVVO, Facebook, and Google, to confirm whether Bowyer was in fact the author of the anonymous postings, and after confirming through subpoenaed documents that Bowyer was the author, Plaintiffs filed a Complaint naming Bowyer as a Defendant.

15. On January 4, 2019, Plaintiffs filed a Second Amended Complaint in the State Court Litigation against Bowyer, asserting the following four causes of action: (a) defamation, (b) commercial disparagement, (c) intentional infliction of emotional distress, and (d) identity theft. A true and correct copy of the Second Amended Complaint is attached as Exhibit “1,” as is incorporated by reference.

16. On April 2, 2019, Bowyer filed an Answer to the Second Amended Complaint, and the answers to the substantive allegations to the Complaint all consisted of general denials followed by the invocation of the Fifth Amendment privilege against self-incrimination.

17. On February 26, 2019, Plaintiffs filed a Motion to Deem Requests for Admissions Admitted in the State Court Litigation, a true and correct copy of which is

incorporated by reference and attached as Exhibit “2.”

18. On May 6, 2019, the Judge Gary S. Glazer, the assigned Commerce Program Judge in the State Court Litigation, entered an Order granting the Motion to Deem Requests for Admissions Admitted, as well as other motions, a true and correct copy of which is incorporated by reference and attached as Exhibit “3.”

19. The May 6, 2019 Order also commanded Bowyer do the following within five days: (a) produce the documents and tangible things requested in the March 8, 2019 Notice of Deposition of James Fitzgerald Bowyer, which included Mr. Bowyer’s computer, iPhone, and all of his electronic devices, along with their passwords; (b) fully answer 31 requests for production of documents without objection; (c) fully answer 19 interrogatories without objection.

20. The May 6, 2019 Order also compelled Bowyer to appear for his continued deposition on May 16, 2019.

21. The 14 Requests for Admissions that were deemed admitted were attached as Exhibit “A” to the Motion to Deem Requests for Admissions Admitted.

22. Through the Requests for Admissions that were deemed admitted by the May 6, 2019 Order, Bowyer admitted, *inter alia*: (a) sending specific emails and making specific postings that were attached as exhibits; (b) registering RK’s email address rkim@thekimlawfirmllc.com to receive email newsletters with the registered name of Yellowskin Chinkerbell; (c) he only stopped posting reviews and sending Plaintiffs emails after he discovered Plaintiffs had issued subpoenas to link him to the reviews; (d) he filed an EEOC Complaint against KLF without any basis; (e) he used a virtual private network in order to post reviews about Plaintiffs or send emails to Plaintiffs; (f) he used an alternate

“burner” cell phone to post reviews about Plaintiffs; and (g) that he created the 35 online accounts listed in a request for admission.

23. Request for Admissions Number 5 (hereinafter the “Manifesto”), which was deemed admitted, stated “Admit that you sent the email attached as **Exhibit ‘E,’** to harass or cause emotional harm to Plaintiffs.”

24. In the Manifesto that Bowyer admitted sending, Bowyer wrote a message to The Kim Law Firm pretending to be a prospective client who needs legal advice.

25. The Manifesto is actually Bowyer explaining and admitting exactly what actions he had taken to harm Richard Kim and the Kim Law Firm and why he was taking those actions – to destroy the business and make sure RK never got another client.

26. Relevant excerpts of the Manifesto include the following:

I found out through one of my better customers that about 4 ex-customers of mine all found where each other lives and got their contact information and what not, and they have been constantly emailing each other and joining forces to try to destroy my business

It started about a few months ago and on both Facebook and Google these ex-clients have gotten our reviews down into the 2's, while they used to be at 5.0 on Facebook and there weren't any reviews on Google (there are even some negative postings on Yelp). **They have told me in no uncertain terms that they will not quit until my Yelp, Google and Facebook ratings are all 1.0 so that my husband "will never obtain a single customer ever again."**

Worse still, these cx-clients don't seem to show any signs of letting up, and some of these reviews have basically stated that if my husband and I don't "pay our debts" that **they will continue to do whatever they can to destroy our business and make sure that we never receive another customer again.** Supposedly they are even working with the government to try to put us in jail And that they are going to make sure that we lose our professional and

business licenses.

Oh and by the way. **I have been getting all sorts of weird e-newsletters in my email recently too, and it's only getting worse by the day, and I'm worried that I might get to the point t where I can't even use my email because its so clogged up with junk email newsletters.** i think this might be from these people, **it just seems like they arc hell-bent on destroying our lives in every way possible** until we "pay them what they were promised" . . .

.

One reviewer even said that he has a technical background, and that if we don't pay him by the end of the month, he is going to crash our website and completely hack into our systems so all of our records our lost. We are not a big business like Microsoft or anything, and although we do have a website and we do have all of our inventory on servers that arc supposed to be protected, we do have a lot of ex-customers who arc from silicon valley with really advanced IT backgrounds who probably could completely take over our website and internal memory and records, and erase everything. This is probably what I'm most concerned about.

I mean the negative reviews are really terrible and are only going to get worse, and the junk mail is bad, but what am i supposed to do if our website and internal electronic records are breached and deleted!!!???

but now all of these people are saying that my husband is unethical and breaks his promises.

It's bad enoughhh that there are reviews on line going down to 1, but **I'm worried that I won't get another client b/c these reviews are also saying my husband is a liar and breaks promises and that he doesn't have any integrity .**

. . .

It just seems like these people are not going to stop until we pay them their money. I really think at this point that I should pay them because **I am going to lose my business and never get another client otherwise.**

Oh and the last thing is, one of these reviews said "I know where you live- you are about 5 blocks down from your lumbar warehouse right by the healthy discount grocery

store - in addition to crashing your website and hacking into your records database if i don't receive back the money that you overcharged me for the multiple orders I made at an upfront price (which) YOU then TRIPLED 3 months later Upon delivery, leaving me no alternative but to only pay you THOUSANDS more than i agreed to pay you). **I will be sending two "associates for hire"** to calmly and politely and respectfully (without violence - i don't want to get into any legal trouble by suggesting that, because there will be nothing like that happening), talk to you outside or your building, and then they will kindly ask if you would be able to let them follow you into your apartment to have an adult discussion, and will follow you into your apartment (but only if you do not feel threatened, and ask them on your own free will)." I don't know if this is relevant t, because it's not a threat or anything, but I'm just worried that like two huge bodyguards are going to show up outside our house and talk to us. It also is a little weird that all the excustomers know that we live about 5 blocks right down from our lumberyard on the same street (-of course my husband always talks about this, so it is not a surprise,) but i just don't want to feel like someone is going to be following me home or something, i don't know, i guess I'm just overreacting. Its not like I'm worried for my safety or anything, its just that id prefer to keep all of this through mail and email, and id rather not have to talk to people in person.

(emphasis added).

27. Boyer was partially deposed on April 19, 2019 in the State Court Litigation, with the deposition lasting less than two-hours, wherein Mr. Boyer's responses to questions were almost exclusively statements that "[u]pon the advice of counsel, I refuse to answer that question on the grounds that the answer may tend to incriminate me."

28. Rather than answer interrogatories, produce documents, produce electronic equipment including computers and iPhone with their passwords, and re-appear for his deposition as required by the May 6, 2019 Order, Bowyer filed the bankruptcy case the afternoon the May 6, 2019 Order required his compliance.

The Online "Reviews"

Google

29. During the Harassment Period, Bowyer attempted to destroy Plaintiffs' reputation, emotional well-being and business operations. Bowyer took to nearly every imaginable online forum to post false and defamatory reviews about Plaintiffs.

30. For example, in April 2018, some of the reviews posted on Google by Bowyer included the following:

[remainder of page intentionally left blank]



Rickie Benson

28 mins ago



★★★★★ To whomever posted below that the owner of The Kim Law Firm is unsuccessful because of his Asian accent and because he is ugly and does not have any friends in Philadelphia: that is completely inappropriate, racially insensitive, and untrue. The actual reason the firm owner is unsuccessful, in my personal opinion, is because he lies compulsively and cannot be trusted, is emotionally unstable with anger management issues, and possibly steals money from his clients.

↩ Reply



Karen Stouts

14 hours ago



★★★★★ In my opinion, I think that the owner of this Firm may treat his female employees inappropriately by sexually harassing some of them. I would recommend that you bring your personal injury cases to another law firm that treats their female employees as equals and with the respect they deserve.

↩ Reply




Gillian Mannis

Yesterday



★★★★★ In my personal opinion, I think that the owner of this Firm does not treat women with respect. Given the Me Too movement, this is an unacceptable way for a male in power to behave, I personally think. I know Houston is in conservative Texas, but, still, this isn't 1918. A firm's location in a Southern state should not give its owner the right to make inappropriate comments to its female employees, if you personally ask me. But don't just listen to me- I would recommend that you search for government state complaints (and, in a few months, search the court dockets) to see if there are any filed claims of sexual harassment/discrimination against the owner of the firm. In the meantime, you can ask any woman who used to work at this firm how the owner of the firm treats females.

↩ Reply




Henry Johnson

2 days ago

★☆☆☆☆

I think they are an unprofessional and deceitful group of attorneys, in my own personal opinion. If you hire John or David, I personally think that there may be a good chance that they may end up being rude and unhelpful, after they have taken your money. I think there are other options that are better for your personal injury legal needs.

Reply




Kimberly Majors

5 days ago

★★☆☆☆

In my opinion, these lawyers are incredibly dishonest and will never stay true to their word. If you hire David, I personally think that he might not pay you any of the settlement that he wins from the defendant, because he might make up imaginary extra fees that reduces your take of the settlement to \$0.

Reply




Harold Robertson

5 days ago

★★☆☆☆

I think this is the worst law firm in the city in my opinion because I think they may steal money from their clients. I personally think that the Kim Law Firm are a a group of unprofessional lawyers who don't know what they are doing. Look elsewhere if you need a quality personal injury lawyer, in my personal opinion.

Reply



Karen Stouts

8 hours ago

★☆☆☆☆

I personally think the owner of The Kim Law Firm may have sexually harassed his female employee(s), is deceitful and cannot be trusted. I have also heard that this Firm has never once gone to trial and successfully obtained a verdict for a single client.

Reply

31. None of these purported individuals were ever prospective clients, actual clients, or employees of KLF. The representations made by the Bowyer under these aliases is false and defamatory.

32. Bowyer created these false names and reviews to harm Plaintiffs' reputation, undermine their business, and disseminate false and defamatory statements about them to the public.

33. Although some of the above reviews are more directly aimed at Plaintiffs, even the reviews that reference a Texas based Kim Law Firm were also posted by Bowyer.

34. During Bowyer's time with KLF, he knew that confusion existed between Plaintiff and another law firm in Texas going by nearly the same exact name - "The Kim Law Firm" (difference being there is no "LLC" within the Texas law firm's name).

35. Over the 4 years of KLF's existence, the little confusion that existed between KLF and the Texas based law firm amounted to a handful of misdirected phone calls and never resulted in any reviews (online or elsewhere) being attributed to Plaintiffs.

36. Bowyer used his knowledge of the Texas based law firm to make it initially appear as if clients were confused between the law firms when posting reviews on Google. As demonstrated below, however, it would soon become clear that Bowyer was the author of the false and defamatory statements.

37. Only after the expenditure of significant time and resources were Plaintiffs were able to eventually have the above reviews from April 2018 removed.

38. Despite the eventual removal of those reviews, with repeated precision, typically within 24 hours of a review being removed from Google, Bowyer would then have false and defamatory reviews posted not only taking the place of the reviews that were

removed, but adding supplemental false and defamatory reviews.

39. In May 2018, Bowyer had the following reviews published on Google about Plaintiffs falsely claiming the following:



Sandra Davids

6 reviews

★★★★★ a day ago

I know there have been a lot of recent reviews calling Richard Kim a "compulsive liar," or a "thief" or "unethical," but I haven't noticed those things. Personally, I just think Rich Kim is really bad at legal writing and legal analysis, as compared to the vast majority of other attorneys I have met.



Dimitrios Sistamis

3 reviews

★★★★★ 11 hours ago

I'm not sure how else to put this other than to outright say that I think Rich Kim may be racist. I don't think it's fair or legal to only represent clients that are also from China, as there is a chance that maybe this firm has started doing just that recently. I know I can't communicate in Mandarin with Mr Kim, but I still think I should be considered as a potential client.



Damian Cross

4 reviews

★★★★★ a week ago



Evan Gould

7 reviews

★★★★★ 12 hours ago

It's my understanding that The Kim Law Firm has never won a jury award for any consumer protection clients. ... [More](#)



4



Kevin Lancaster

4 reviews

★★★★★ 12 hours ago

I can't confirm yet if this is definitely accurate, but it seems like it might possibly be the case that Rich Kim could have violated the terms of an immigrant work visa. While I think it is important to have a Philadelphia firm run by a Chinese native who is fluent in Mandarin Chinese, I don't like the idea of a firm owner being in violation of strict US immigration laws - I will update this posting after I have confirmed whether the above is indeed accurate.



5



A Google User

3 reviews

★★★★★ a day ago

An engagement letter may prevent me from saying anything specifically negative here, so I all I can say is that you should answer this question for yourself: If an attorney has been fired/laid off from multiple law firms in the past (and if he is unable to obtain employment anywhere else in the entire city), does that mean that this attorney is then qualified to start his own law firm?

Just make sure to do your own research and be careful who you hire as your attorney.



Harold Robertson

20 mins ago

★★★★★ I initially posted this review two weeks ago, but want to reiterate what some of the others have said here, to add my own encouragement: do not be afraid of language in a contract that you may have signed threatening you against writi on Google Reviews, Yelp etc. I don't care what contract you may have signed, anything that says you will get hit with money damages is null and void and can't be enforced, so don't pay attention to it. It is important that we all share our common horrible experiences, so no one else signs up for an attorney that just doesn't care about them and is incompetent. My original review from two weeks ago: this is the worst law firm in the city in my opinion because I think they may steal money from their clients. I personally think that the Kim Law Firm are a group of unprofessional lawyers who don't know what they are doing. Look elsewhere if you need a quality personal injury lawyer, in my personal opinion.



Reply



Rickie Benson

54 mins ago



★☆☆☆☆ It is my own personal belief that the owner of this Firm may sexually harass his female employees, is a compulsive liar who cannot be trusted, is emotionally unstable with anger management issues, and possibly steals money from his clients. And please note that I have even been forced to submit this review under a pseudonym because I am afraid of contract language that may lead to financial penalties (i.e. a "gag clause) against posting negative reviews.

↩ Reply



Kim Richards

3 reviews

★☆☆☆☆ 4 hours ago

↩ Reply

40. Again, none of these alleged individuals were ever prospective clients, actual clients or employees of KLF. The representations made by the Bowyer under these aliases are false and defamatory. The statements made in the reviews are false and defamatory because, among other things: (i) Plaintiffs are not Chinese or fluent in Mandarin, nor are subject to an immigration work visa; (ii) Plaintiffs have never sexually harassed any employee; (iii) Plaintiffs have never stolen money from any client; and (iv) Plaintiffs are not racist, and do not “only” represent Chinese clients.

41. Again, Plaintiffs were forced to expend significant resources to have the May 2018 Google reviews eventually removed.

42. Yet again, despite the eventual removal of the May reviews, Bowyer created new posts to replace those that had been removed.

43. In June 2018, despite Plaintiffs best efforts, Bowyer still had approximately 10 false and defamatory reviews about Plaintiffs remaining:



Dimitrios Sistamis

4 reviews

★★★★★ 11 hours ago

It is my understanding that The Kim Law Firm has never won a jury award for any consumer protection clients. From my point of view, I would never hire a law firm that is incapable of winning a jury award. or a law firm that only obtains very low settlements for its clients.

← Reply  8



gary moretsky

1 review

★★★★★ 3 days ago

Rich Kim did an excellent job for me. He always acted professionally and courteously throughout his representation. One gets an impression that Rich is very knowledgeable at what he does. I would strongly recommend him to other people.

← Reply  Like



A Google User

3 reviews

★★★★★ 3 hours ago

I individually think the owner of this firm is a liar and a thief who may be in violation of the rules of professional conduct. Simply put, I feel that the Kim Law Firm owner is not trustworthy. I think that Mr Kim should absolutely not be trusted to handle a client's money or confidential information, in my own individual opinion.

← Reply  1



gary moretsky

★★★★★ 8 hours ago

As an update to my earlier review, I now believe that Richard Kim only deserves 1 out of 5 stars. I think that Rich may possibly be withholding a portion of settlement money that is legally not his to keep. From what I understand, Rich may ... [More](#)

← Reply  2



Sandra Davids

6 reviews

★★★★★ 11 hours ago

As I see it, I think that Richard Kim lies compulsively, breaks almost every promise he makes, and manipulates people as much as he can, in my own opinion. To put it simply, I would not want Richard Kim as my attorney even if he offered to work for free.

↩ Reply 👍 12



Marcus Reuter

2 reviews

★★★★★ 12 hours ago

Not only do I personally think that Mr. Richard Kim of The Kim Law Firm is grossly unqualified to provide legal advice regarding matters of consumer protection, but I am also very disturbed by how inappropriately Mr. Kim has treated his ... [More](#)

↩ Reply 👍 9



Rich Johnson

9 reviews

★★★★★ 10 hours ago

This is the first time I have ever given a 1 star rating in my life, but I undoubtedly believe that The Kim Law Firm LLC fully deserves this low rating. In fact, I wish I could give this firm 0 stars because of just how devious, conniving, ... [More](#)

↩ Reply 👍 14



Tommy Chen

4 reviews

★★★★★ 11 hours ago

In my opinion, I think Rich Kim often provides legal advice that is just plain wrong (which I think could even possibly qualify as legal malpractice). Further, I believe that the quality of Rich's legal writing is extremely poor - ... [More](#)

↩ Reply 👍 9



Raman Patel

1 review

★★★★★ 3 days ago

KLF was very helpful to me in resolving my frustrations with an Utility Company, who kept sending me a bill unethically, and, turning over to collection agency for all the wrong reasons. This fake billing went on for a year, damaging my ... [More](#)

↩ Reply 👍 Like



Google User

1 review

★★★★★ 2 days ago

I couldn't be more dissatisfied with my horrible experience with The Kim Law Firm. Do not hire Rich Kim. I think he is deceitful and manipulative, the type of lawyer that gives lawyers a bad name. ... [More](#)

↩ Reply 👍 12



Google User

1 review

★★★★★ 2 days ago

I would strongly advise against hiring The Kim Law Firm. Not only is Rich Kim often very rude, unresponsive and unprofessional, but it appears that this firm has never obtained a single jury award for any consumer protection clients.

↩ Reply 👍 11



Kim Richards

5 reviews

★★★★★ 10 hours ago

I don't believe I have ever met someone more unethical and fraudulent than Richard Kim. If it were up to me, I would ask the city to immediately shut this firm down. I don't understand how someone can repeatedly steal money from clients (which I think Richard Kim may have possibly done) and just get away with it.

↩ Reply 👍 3



Evan Gould

7 reviews

★★★★★ 12 hours ago

I don't think that Mister Rich Kim (head of The Kim Law Firm) should be allowed to hold a law license because of a large number of unethical actions that I believe he has committed. It is my belief that Mister Kim is extremely unprincipled, deceptive, and untrustworthy.

↩ Reply 👍 9



Kevin Lancaster

5 reviews

★★★★★ 13 hours ago

Do not trust Richard Kim of The Kim Law Firm LLC. Personally, I think Mr. Kim is a compulsive liar who breaks many verbal and written promises. I am hoping that Mr. Kim loses his law license soon because of his unprincipled and underhanded behavior.

↩ Reply 👍 Like



Raman Patel

★★★★★ 8 hours ago

**Update: Upon further review, I have decided that The Kim Law Firm warrants 1 star, as I no longer feel as if I can trust the head of this firm, Rich Kim.

↩ Reply 👍 2



Damian Cross

4 reviews

★★★★★ 3 weeks ago

↩ Reply

44. The positive reviews by Gary Moretsky and Raman Patel were reviews by actual former clients of KLF confirming that they were pleased by representation from Plaintiffs. Bowyer, however, attempted to undermine those positive reviews by publishing false and defamatory reviews under the same names of the actual clients, and claimed that the new reviews were “updates”.

45. “Gary Moretsky” and “Raman Patel” never posted the negative reviews which are claimed to be “updates.” If a reviewer on Google desires to change a prior published review, there is no need to post an entirely new review. The author of the review may simply edit the prior review.

46. The false and defamatory reviews listed above are only a minor sampling of the wrongdoing engaged in by Bowyer and does not encompass all of the reviews published by Bowyer. The false and defamatory reviews posted by Bowyer exceed 80 different reviews.

47. Amazingly, Bowyer’s publication of false and defamatory statements was not limited to Google, and Bowyer furthered his wrongdoing and harm to Plaintiffs on Facebook.com (“Facebook”), Yelp.com (“Yelp”) Avvo.com (“Avvo”) and Martindale-Hubbe.com (“Martindale”).

Facebook

48. KLF has a Facebook page that had allowed reviews to be published. Like with the Google reviews, Bowyer used Facebook’s review forum wrongfully, and created fake Facebook profiles to publicize the following false and defamatory statements about Plaintiffs:

**Bill Doe** reviewed **The Kim Law Firm, LLC** — 1★
May 5 · 🌐

Personally, based on my own experience, I believe the firm makes many clients sign contracts disallowing them from posting negative reviews, and I think the legal strategies and case work are not what I would expect from a consumer protection firm.

 M.J. Cardigan, Colin White and 6 others 1 Comment

 Like  Comment  Share 

**The Kim Law Firm, LLC** To any individual who reads this post, please be advised that this is a false review, and "Mr. Doe" has never been a prospective client, or an actual client of the Law Firm. Moreover, this comment was posted through the creation of a Facebook account that was created for the sole purpose of posting this review. The Law Firm is actively working on attempting to determine the source of this fake review, which is only intended to inappropriately harm the business reputation of the Law Firm.

Like · Reply · Commented on by Rich Kim (?) · 26w

 Write a comment...    

**M.J. Cardigan** reviewed **The Kim Law Firm, LLC** — 1★
May 15 · 🌐

 M.J. Cardigan

 Like  Comment  Share 

 Write a comment...    

**John Orville** reviewed **The Kim Law Firm, LLC** — 1★

Yesterday at 4:37pm · 

I personally think this Firm deserves one star. In my personal opinion, the owner of the firm is two-faced, a compulsive liar, has anger management issues, and is probably bipolar (*note: these are not facts or definite statements, but just my personal beliefs, as I do not know for sure if the owner actually is bipolar- it just seems to me, just based on my personal beliefs, that he is incredibly emotionally unstable and cannot be trusted to follow through on anything he says because he is so volatile). If it were me, I would work with David or John instead of the owner.

 Like  Comment  Share 

 **Sandra Paulson**

 Write a comment...    


**Bella Scarlata** reviewed **The Kim Law Firm, LLC** — 1★


1 hr · 





I agree with the other reviewers and also think this Firm deserves a one star rating.






 Like  Comment  Share 


 Write a comment...    


**Colin White** reviewed The Kim Law Firm, LLC — 1★
May 14 · 🌐





 M.J. Cardigan and Colin White






 Like  Comment  Share 


 Write a comment...    


**Ginger Madison** reviewed The Kim Law Firm, LLC — 1★
May 13 · 🌐





 M.J. Cardigan, Colin White and Ginger Madison






 Like  Comment  Share 


 Write a comment...    


**Wendy Wong** reviewed The Kim Law Firm, LLC — 2★
May 12 · 🌐





 M.J. Cardigan, Colin White and 2 others






 Like  Comment  Share 

 Write a comment...    

**Kimberlee Johnson** reviewed The Kim Law Firm, LLC — 1★
May 9 · 🌐

 M.J. Cardigan, Colin White and 3 others

 Like  Comment  Share 

 Write a comment...    

**Allen Kim** reviewed **The Kim Law Firm, LLC** — 1★
May 8 · 🌐

 M.J. Cardigan, Colin White and 4 others

 Like  Comment  Share 

 Write a comment...    

**Dylan Kim** reviewed **The Kim Law Firm, LLC** — 1★
May 7 · 🌐

 M.J. Cardigan, Colin White and 4 others

 Like  Comment  Share 

 Write a comment...    

**Peter Doe** reviewed **The Kim Law Firm, LLC** — 1★
May 5 · 🌐  

I must say my personal opinion that the quality of legal services is not what it should be, even if there may be contract terms that warn of penalties for a negative review.

 M.J. Cardigan, Colin White and 6 others 1 Comment

 Like  Comment  Share 

**The Kim Law Firm, LLC** To any individual who reads this post, please be advised that this is a false review, and "Mr. Doe" has never been a prospective client, or an actual client of the Law Firm. Moreover, this comment was posted through the creation of a Facebook account t... [See More](#)

Like · Reply · Commented on by Rich Kim [?] · 26w

 Write a comment...    

49. Unlike the Google reviews, Plaintiffs have been unable to remove the above Facebook reviews posted by Bowyer. The best Plaintiffs could do is “hide” the “Reviews” from KLF’s Facebook page.

50. Plaintiffs expended significant time and resources in attempting to have these false reviews removed with little luck. The few times Plaintiffs did have some success in having Bowyer’s Facebook reviews removed, like clockwork, Bowyer would again post new false and defamatory reviews to replace the removed reviews and add an additional number of further false and defamatory reviews about Plaintiffs.

Avvo, Yelp, and Martindale-Hubble

51. As if the above false and defamatory statements made by Bowyer on Google and Facebook were not enough, during the same time frame (April 2018 – June 2018), Bowyer continued to engage in his unhinged and deranged assault on Plaintiffs by posting reviews on the websites of Avvo, Yelp and Martindale.

52. On Avvo, authored the following review:

Was polite, but seemed too inexperienced and understaffed

2.0 stars

Posted by anonymous
May 15, 2018

Flagged

Rich was nice and polite, but I thought he was too inexperienced to provide me with legal representation. Based on his responses during our consultation, it seemed to me that his firm had never actually won any jury verdicts at all for any clients in any cases involving consumer protection matters. He also didn't really seem to have enough legal knowledge to answer my questions satisfactorily.

Likewise, it seemed that he did not have enough staff to allow him to win a jury award in a complex consumer protection case in the near future - from the looks of his office, it didn't appear to me that

he had any other attorneys working in his "firm" at all (-and I'm not sure if he even had a paralegal working for him at that time). It just seemed like he didn't so much as run an actual firm, but that he was basically just a solo practitioner who had decided to try to learn about consumer protection law relatively recently.

But again, I do want to stress that Rich was in fact nice and polite to me when we met, so I wouldn't mind going back to Rich in about 10-15 more years in the future after he has gained some experience.

Less

This review is from a potential client who consulted with this attorney.

Consulted attorney

Richard Kim's response: "We're sorry you had a bad experience with our firm. This matter does not sound familiar, and we strive for the utmost client satisfaction in every case. Please contact me directly to discuss your specific concerns."

[Edit your response](#)

Unresponsive and disorganized

2.0 stars

Posted by anonymous
May 19, 2018

Flagged

When I reached out to Rich Kim for my consultation, he was generally unresponsive and unhelpful. The whole process seemed very disorganized to me. He repeatedly ignored the questions that I carefully laid out in my communications with him, even though I emphasized how serious of a situation I was in and that time was of the essence. I'm sure he is very busy, and I know my case was probably not worth a lot of money, but I still did not appreciate being ignored the way I was. At the time, I felt like it was an unprofessional way to treat a potential client.

That all being said, I do want to emphasize that I really respect Rich Kim for building his own firm, which is one of the reasons that I

contacted him to being with, as I admire his initiative and entrepreneurialism. In 2018, starting your own company from scratch is certainly no easy task, and I respect the fact that he has managed to keep it going for more than 3 years. Being the owner of a law firm, I'm sure he has to juggle administrative, managerial, and legal duties, all by himself, and that is really impressive to me. Accordingly, if Mr. Kim does finally follow up with me to provide me with satisfactory answers to the legal questions I have, then I would have no problem updating this review to a higher star level.

Less

This review is from a potential client who consulted with this attorney.

Consulted attorney

Richard Kim's response: *"We're sorry you had a bad experience with our firm. This matter does not sound familiar, and we strive for the utmost client satisfaction in every case. Please contact me directly to discuss your specific concerns."*

[Edit your response](#)

Eager, friendly, funny, and humble. However, communication style, lack of jury awards & support staff, etc

1.0 star

Posted by anonymous
May 29, 2018

[Flag](#)

To me, my experience with Mister Richard Kim (the owner of The Kim Law Firm, LLC) warrants 1 star, but I hope the following is a fair and balanced description of my experience, so potential clients can judge for themselves:

CONS

1.--- I was put off by Mr. Kim's communication style. He seems to suffer from significant speech disfluency, littering each sentence with "ums" and "likes" and "you knows." I worry that a judge may not be able to take Mr Kim seriously if he is unable to properly articulate his points in a professional and polished manner.

2.---Mr. Kim is unable to provide specific examples of jury verdicts

that he has won for his consumer protection clients. Thus, I personally do not think Mr Kim has obtained any jury awards at all for any of his consumer protection clients. I worry that, if an attorney has never previously won a verdict, why should I believe he can obtain a jury award for my case?

3.---Mr. Kim does not appear to have enough staff support to be able to obtain a jury award for a complex consumer protection case in the future. I don't believe this is a legal area where a solo practitioner can succeed without other junior attorneys and paralegals to support him.

4.---Mr Kim seems unable to consistently provide cogent legal advice. To me, he does not seem like he has an adequate understanding of legal issues involving consumer protection (i.e., the legal field that he specializes in).

5.---Mr Kim seems to have developed a habit of failing to keep his word in certain circumstances. I'm not sure if Mr Kim simply forgets about the assurances he has made, or if he purposefully backtracks and reneges on his promises and guarantees, but regardless I do not feel as if I can professionally trust Mr Kim.

PROS

1.---Eager. Mr Kim does genuinely seem like he wants to help with legal problems of the consumer protection nature. Even if he does not currently have the expertise to provide satisfactory legal representation, I must compliment Mr Kim for his optimistic & go-getter attitude. His positivity is infectious.

2.---On time. Mr Kim seems to keep his appointments as scheduled, which is all the more impressive considering it appears that he is unable to afford a personal secretary.

3.---Very reasonably priced. Since Mr Kim does not seem to have much consumer protection experience, I really appreciate that he does not try to overcharge.

4.---Friendly & funny. Mr Kim definitely has a good sense of humor. Even though I don't think he is qualified to be a consumer protection attorney, spending time with him (even during a brief professional consultation) is very enjoyable: Mr Kim has a quick wit and can always make you laugh.

5.---He is grounded and humble. So many attorneys in the legal field are oppressingly egotistical, claiming that you have to attend a top university to work as an attorney. Happily, Mr Kim proves them wrong: he did not attend a top-ranked college, and he attended a low-ranked local institution for law school, but he is not letting these academic deficiencies limit him. He is a role model who shows that legal employment is possible, even if you struggled with

academics.

6.--Minority representation. One of the prejudicial realities of the legal world is ethnic minorities are typically excluded from the legal community. I am incredibly proud that Mr Kim, who I believe is a first-generation Chinese immigrant, is working hard to buck this trend. I believe he is the epitome of The American Dream, and I believe he may be able to truly succeed after he gains another 15-20 years of experience. I think he is such a positive role model to the Chinese immigrant community, and I wish him all the best. If he were to move out of consumer protection law, and into a more general field like personal injury that fits his relative inexperience, I think he can have a bright future and I would indeed recommend him in that more junior legal field.

Less

This review is from a potential client who consulted with this attorney.

Consulted attorney

(emphasis added.)

53. These “anonymous” posts were made by Bowyer. They are false and defamatory like the other reviews he posted, many of which are cited herein, and are in keeping with the prior posts where Bowyer continually refers to RK’s alleged migrant status from China. Bowyer is well aware that RK is an American citizen with parents who originate from Korea.

54. Bowyer continually made references to RK’s ethnicity because, among other reasons, Bowyer was attempting to bait an aggressive public response which would have further damaged Plaintiffs’ reputation beyond the reviews posted.

55. Moreover, the reviews posted by Bowyer are false on their face: Plaintiffs never met with any potential clients in its office in May 2018; never discussed any trial results with any potential clients in May 2018; and did not have any outstanding questions from any potential new clients.

56. In June 2018, Bowyer published a review on Martindale, once again claiming that he was a former client of Plaintiffs and wrote: “I would strongly advise against hiring The Kim Law Firm LLC. To my way of thinking, I believe that Rich Kim is two-faced, manipulative, and insincere. I honestly think that he deserves [not] to have a law license anymore, given some of his recent unethical behavior. Do not trust Richard Kim.”

57. KLF’s page on Yelp was also attacked by Bowyer. Bowyer posted a photograph to Plaintiffs’ Yelp business page that stated “I’m a crook.” The statement in the picture was false and defamatory and was eventually removed by Yelp.

Bowyer’s Disturbing Emails and Telephone Calls to Plaintiffs

58. While Bowyer was posting the false and defamatory reviews noted above, Bowyer was also sending Plaintiffs numerous disturbing emails claiming, among other things, that Plaintiffs were the subject of “sexual harassment” claims would soon be filed against them along with a “soon pending” disciplinary action by the Pennsylvania Disciplinary Board. This is one of the emails that Plaintiffs received:

From: PA_COMPLAINT_STATE donotreply
To: [Richard Kim](#)
Subject: J. Doe v. R. Kim; #ST-Z-435-2018
Date: Monday, April 23, 2018 4:13:33 PM

Auto-Forward 4.23.2018 15:11:38.
Message intake notification DONOTREPLY

Processing of Complaint [relay\quote:] "for harassment and/or discrimination based on gender/sex/orientation." In the matter of Jane Doe v. Richard Kim #ST-Z-435-2018:

Kim, Richard
The Kim Law Firm, LLC
1500 Market St
Philadelphia, PA 19102

Doe message 1[relay/quote:] "you {xxyx_} sexually harassed me for almost an entire year, you're not going to {xxyx_} now owe me \$75,000 at least[stop/endquote]."

Generation of official report. Est. 90-120 days business. Fines and/or imprisonment tbd advised. **Employer retaliation prohibited*

PA_COMPLAINT_STATE
PADEPT
(888) 29#-342#(CUSTOMER AUTO-UPDATE PROMPT #1)

59. Bowyer also sent an email from the created email account of "Wanda Xing" (shiongingXing453Xing@gmail.com). That email was initially written in the context of being a potential client, but then threatened Plaintiffs by stating that there was a sexual harassment claim that was going to be filed against them. That email states the following:

From: "Kim Web"
To: [Richard Kim](#)
Subject: [Kim Lawfirm Web] New Message!
Date: Friday, May 11, 2018 10:48:22 AM

From: Wanda Xing <ShiongingXing453Xing@gmail.com>
Subject: Firm updates thanks request

Message Body:

Hello I possess law question large significant. I have excellent case make "credit agency" pay for accurate information not report right. So many mistake! But question not sure, is closing company? Online say closing? What explain by people say "8 complaints filed against the owner of this firm for matters that may include sexual harassment, wage theft, discrimination, and client embellishment - it is my understanding that this firm will close its doors in approximately two months due to loss of professional licenses and/or imprisonment of the firm owner, Mr. Kim."

Confused because statement right up top. "Imprisonment" of owner mean no more company? Or work with company during imprison sad time still?

Tell please if company close because "imprisonment" threatens serious now. And also addition, what mean "complaints" and why so many? I feel know 8 is a lots, yes? Thank you tell truth. I worry for you! Such nasty possible bad futures!

Thank so much time taken for me!

Wanda

--

This e-mail was sent from a contact form on The Kim Law Firm, LLC (<http://thekimlawfirmllc.com>)

60. On May 13, 2018, at 3:04 am, Bowyer sent the Manifesto which, among other things, references the negative reviews that he posted, and his clear attempt at destroying Plaintiffs' reputation and business. In his email from that day, Bowyer wrote the following:

From: "Kim Web"
To: [Richard Kim](#)
Subject: [Kim Lawfirm Web] New Message!
Date: Sunday, May 13, 2018 3:04:49 AM

From: Tiffany Angelos <TiffTiff.Madusun.Angelos78712@gmail.com>
Subject: Help with online reviews

Message Body:

Hello sir, Can you please forward this to Mr. Kimm's personal attention? I would really love a response from Mr. Kim directly on Monday if at all possible. I know I am rambling here because I just woke up in a cold sweat and am sending this email because of how nervous I am but, but if Mr. Kim could please personally read everything here carefully, I would appreciate it.

I am very interested in hearing if he may be able to use his personal expertise to assist me with this terrible problem I have.

I found out through one of my better customers that about 4 ex-customers of mine all found where each other lives and got their contact information and what not, and they have been constantly emailing each other and joining forces to try to destroy my business (-I haven't been able to find out WHICH customers, because she won't divulge this, but I know there are at least 4 who are all working together).

I am not sure if you or your firm do this sort of thing, but I have been having a problem with these ex-clients of mine (--me and my husband have run a timber business for the past 13 years) who have been continuing to post negative reviews about the company that my husband built from the ground up.

It started about a few months ago and on both Facebook and Google these ex-clients have gotten our reviews down into the 2's, while they used to be at 5.0 on Facebook and there weren't any reviews on Google (there are even some negative postings on Yelp). They have told me in no uncertain terms that they will not quit until my Yelp, Google and Facebook ratings are all 1.0 so that my husband "will never obtain a single customer ever again."

Worse still, these ex-clients don't seem to show any signs of letting up, and some of these reviews have basically stated that if my husband and I don't "pay our debts" that they will continue to do whatever they can to destroy our business and make sure that we never receive another customer again. Supposedly they are even working with the government to try to put us in jail for violating contract terms of our lumber deals (even though it really is pretty much the same language on all of the contracts).

They are saying that they have reached out to the government because we supposedly broke the terms of our customer contracts and I guess that violates some sort of state or federal law (-I don't know much about the law here, so sorry if I'm vague, - this is just what my aunt Becky told me). And that they are going to make sure that we lose our professional and business licenses.

They have also said that they are all going to "individually and jointly" sue me and my husband in court for the alleged money that we owe them because of the "bad" deals we made with them.

I think these ex-clients feel like we did not give them a good rate, or that we somehow owed them back-money for a promotional deal we had last winter, but I just don't know what to do.

Oh and by the way, I have been e getting all sorts of weird e-newsletters in my email recently too, and it's only getting worse by the day, and I'm worried that I might get to the point t where I can't even use my email because its so clogged up with junk email newsletters. i think this might be from these people, it just seems like they are hell-bent on destroying our lives in every way possible until we "pay them what they were promised" when we first sold them our goods (-it was usually just plywood sheets, but sometimes oak and cherry, if the clients wanted to spend more on home furnishings).

Oh and apparently one of them has a lot of contacts in the news and he says that he isss going to make sure there are several articles published about how "unethical" my company is, (even though my husband is always ethical!)

One reviewer even said that he has a technical background, and that if we don't pay him by the end of the month, he is going to crash our website and completely hack into our systems so all of our records our lost. We are not a big business like Microsoft or anything, and although we do have a website and we do have all of our inventory on servers that are supposedd to be protected, we do have a lot of ex-customers who are from silicon valley with really advanced IT backgrounds who probably could completely take over our website and internal memory and records, and erase everything. This is probably whatt I'm most concerned about.

I mean the negative reviews are really terrible and are only going to get worse, and the junk mail is bad, but what am i supposed to do if our website and internal electronic records are breached and deleted!!!!???

I really am starting to think that I need to pay these exclients, even though i told them right from the beginning that i really couldn't promise them a specific deal on lumber, they are saying that had they done to a competing lumber firm, they could have gotten a much better deal.

At this point, I'm thinki ng that I should pay these ex-clients their money, but the thing is, all of these negative reviews keep popping under fake Google and fake Facebook accounts, so I'm not really sure how to even figure which clients I might owe money to. Should I just go o ver the last year or so and think who I might owe money to, if I sold my lumber to certain warehouses, and think of what regional sales managers might be a ngry at my husband? I mean the thing is, the timber industry as I'm su re you know has incredibly narrow mar gins, so it's not like we could really do anything else,

but now all of these people are saying that my husband is unethical and breaks his promises.

It's bad enough that there are reviews online going down to 1, but I'm worried that I won't get another client b/c these reviews are also saying my husband is a liar and breaks promises and that he doesn't have any integrity,

and also that he is inexperienced and has only been working in the lumber industry for about a year or so (when it's actually been 13 years).

It just seems like these people are not going to stop until we pay them their money. I really think at this point that I should pay them because I am going to lose my business and never get another client otherwise.

I guess I just need to be careful about what clients I represent in the future I guess, and just be more careful about creating clear expectations and then making sure to follow through.

Thank you so much for your help, you are very kind to help people in your business this way

Tiffany

Oh and the last thing is, one of these reviews said "I know where you live- you are about 5 blocks down from your lumber warehouse right by the healthy discount grocery store - in addition to crashing your website and hacking into your records database, if i don't receive back the money that you overcharged me for the multiple orders I made at an upfront price (which you then TRIPLED 3 months later upon delivery, leaving me no alternative but to pay you THOUSANDS more than i agreed to pay you), I will be sending two "associates for hire" to calmly, and politely and respectfully (without violence - i don't want to get into any legal trouble by suggesting that, because there will be nothing like that happening), talk to you outside of your building, and then they will kindly ask if you would be able to let them follow you into your apartment to have an adult discussion, and will follow you into your apartment (but only if you do not feel threatened, and ask them on your own free will)." I don't know if this is relevant, because it's not a threat or anything, but I'm just worried that like two huge bodyguards are going to show up outside our house and talk to us. It also is a little weird that all the excustomers know that we live about 5 blocks right down from our lumberyard on the same street (-of course my husband always talks about this, so it is not a surprise,) but i just don't want to feel like someone is going to be following me home or something, i don't know, i guess I'm just

overreacting. Its not like I'm worried for my safety or anything, its just that i'd prefer to keep all of this through mail and email, and i'd rather not have to talk to people in person.

Oh and fyi, we are in oregon outside of portland if that matters (-not sure if you only deal with Pennsylvania law or something)

61. On May 24, 2018, Bowyer sent another email to Plaintiffs under the name "Marcus Reuter", the same exact name that he used in posting a false and defamatory Google review, which is set forth above. The email from Bowyer to Plaintiffs under the

alias “Marcus Reuter” states the following:

From: Marcus Reuter
To: [Richard Kim](#)
Subject: Complaints filed
Date: Thursday, May 24, 2018 9:12:51 PM

Hello Mr. Richard Kim:

This communication is to inform you that multiple complaints have just been filed against you with the FTC and state Attorney's Office, for repeated violations of The Consumer Review Fairness Act via engagement letters and/or client agreements containing illegal provisions and/or terms prohibiting clients from submitting negative online reviews, subject to financial penalty.

I would highly advise you to obtain counsel to defend yourself against these charges, which carry substantial damages and possible imprisonment.

Have a great and relaxing Memorial Day weekend. The government will be in contact with you soon.

Cheers,

Marcus

62. Marcus Reuter was never a prospective client or actual client of Plaintiffs, and no complaint, let alone multiple complaints, were ever filed with the FTC.

63. And again, in keeping with his common theme, Bowyer referenced all of the false and defamatory reviews he had posted online.

64. Bowyer repeatedly sent emails in the purported and absurd context that he was a potential client. Knowing no bounds, Bowyer even physically threatened RK, and again referenced the negative reviews that he was posting online.

From: "Kim Web"
To: [Richard Kim](#)
Subject: [Kim Lawfirm Web] New Message!
Date: Thursday, May 10, 2018 4:18:19 PM

From: Jackie Johnson <JackJohnJohnson129019134@aol.com>
Subject: Debt Collector Notice

Message Body:

Hello, I just received a disturbing phone call from a debt collector, who threatened me with the following:

--You have 30 days to pay the debts you owe to multiple ex-clients. You promised large awards, but they only received small settlements (of which you took in inappropriately large percentages).
--If you do not comply, your online reviews will be lowered to 1 across all sites, and we will take additional measures to make sure you never obtain another client ever again, and your company will be forced to close and file for bankruptcy.
--No less than 5 complaints will be filed against you in federal and state court.
--We will work with the government to ensure you lose your professional licenses and that you are brought up on charges of legal malpractice for failing to follow through on promises made to clients.

I simply do not know what to make of this phone call. It has really scared me. I personally do not owe any debts to anyone (and honestly have NEVER owed any debts to anyone). I have never owned a company or firm, and have never represented clients. I also do not have a website online that someone can post negative reviews about. How do I convince these debt collectors that they have me mistaken? One debt collector has even told me over the phone that he knows where I live "near Trader Joes," and that he will send one of his "associates" to follow me home "to have a friendly and civil discussion with me about the multiple debts that" I owe! Is this legal for a debt collector to threaten me like this? Should I voice-record the next phone call I receive from them? I haven't looked into my credit reports yet to check if they are affected, so I am assuming I should do that? Or should I just give you my information, and you can look at my credit reports for me? Lastly, are you able to contact these debt collectors directly on my behalf, and if so, would it be in a letter or possibly a court issued injunction?

Thank you so much for your help, it means the world to me to have a firm like you able to look out for someone like me in a terrible position like this.

Lastly, if you could please make sure that Richard Kim personally reads my message and responds to me, I would really appreciate it. I have heard such wonderful things about his representation, and I am confident that he can make these debt collectors go away and have their records fixed very promptly. He was highly recommended to me at a cocktail party last week in Marlton, NJ by my neighbor Mike Bloom (although I think it was one of his brothers-in-law who had actually hired Mr. Kim), and I was advised that he should be able to personally fix this problem in no time.

Warm Regards-- Jackie J.

--

This e-mail was sent from a contact form on The Kim Law Firm, LLC (<http://thekimlawfirmllc.com>)

(Emphasis added.)

65. During Bowyers time of employment with Plaintiffs, it was discussed on several occasions that RK resided within only a few blocks of "Trader Joes" located at 21st

and Market Streets in Philadelphia, PA.

66. Bowyer's actions not only serve as a basis for civil wrongdoing but constitute criminal conduct.

67. Bowyer also used committed identity theft by using RK's personal cell phone number to have him sent spam text messages. RK received approximately 50 if not more spammed text messages that were caused by Bowyer.

68. Indeed, Plaintiffs lost significant time, business and revenue over the months that Bowyer was engaging in his criminal and lawless behavior. Plaintiffs also expended significant finances in attempting to remove the false and defamatory statements published online by Bowyer.

Bowyer's Admissions and the Information from the Subpoenas

69. Bowyer attempted to mask the fact that he was the author of the published false and defamatory statements, some of which are referenced above, by using fake email addresses and fake names.

70. Although Bowyer attempted to further shield his identity by masking his Internet Protocol address ("IP Address") through the use of a Virtual Private Network ("VPN")¹, he was unsuccessful in hiding his identity.

71. Plaintiffs served foreign subpoenas upon Facebook, Google, and Avvo, and the responses to those subpoenas revealed the IP addresses of the anonymous posters, some of which were obscured by the use of a VPN. Some of the IP addresses, however, were not obscured by a VPN and pointed back to Bowyer as the author of the anonymous

¹ VPN's are used to mask the IP address of a computer so that the internet activity conducted may not be traced back to the actual computer being used to access the internet.

postings.

72. The John Doe defendant was identified as Mr. Bowyer in a reissued writ of summons, which was personally served upon Mr. Bowyer on September 10, 2018 at 7:43 p.m.

73. On the evening of September 10, 2018, Mr. Bowyer sent text messages to RK, which admitted he was the author of the defamatory postings. One of the text messages from that night states the following:

I swear on my life I will make this right. I will do whatever it takes. But please Rich, I can't mentally or physically handle a court case. It will literally kill me. **Please give me the chance to make this right.** I swear to god [sic] everything has changed for me after my hospitalization. I just want to be thankful to god [sic] that I'm still here and be good to my wife, that's it. Please let me make this right...

(emphasis added.)

74. On the evening of September 10, 2018, Bowyer also reaffirmed his wrongdoing in a voicemail left on the cell phone of RK.

75. Bowyer's September 10, 2019 voicemail, stated in relevant part: "I want to make this right. I never thought anything was going to court. I was just bluffing. I got bad advice from one of the attorneys. . . . I just want everything to go away. I want my case - - I want to make this right. . . . Listen, please let me make this right with you. I will try everything. I will make this right for you. . . . I never thought it was going to go this far. . . . I just want to do the right things. I just want to get a second chance for life."

76. On September 17, 2018, an attorney Sidney Gold, Esquire called the Plaintiffs' counsel, stating he was calling on behalf of Mr. Bowyer and that ***Mr. Bowyer had admitted to being the author of the online postings.***

77. Subsequently, on or about October 8, 2018, Bowyer admitted that he could

not recall all of the places he signed Plaintiffs up for emails and calls from and he requested that Plaintiffs provide him with a list of all places from which they are still being contacted.

78. On or about October 8, 2018, Bowyer also admitted that he used a “burner phone” to engage in the activities described above and that he did not have a record of everything he had done to Plaintiffs.

79. In the Second Amended Complaint filed in the State Court Litigation, Plaintiffs sought remedies under the law for Bowyer’s wrongdoing, including, but not limited to compensatory damages, consequential damages, punitive damages, fees, costs, statutory damages under 42 Pa.C.S. § 8315 of no less than \$500 per offense of identity theft, as well three times actual damages, reasonable attorneys’ fees, and court costs, and all other equitable relief available to prevent Bowyer from engaging in such conduct again.

COUNT ONE

EXCEPTION TO THE CLAIMS OF THE KIM LAW FIRM LLC AND RICHARD KIM PURSUANT TO 11 U.S.C. § 523(a)(6)

80. Plaintiffs incorporate by reference the preceding allegations of this Adversary Complaint as if set forth herein at length.

81. Title 11 of the United States Code, Section 523 (a)(6) provides that a “discharge under section 727, 1141, 1228(a), 1228(b), or 1328(b) of this title does not discharge an individual debtor from any debt for willful and malicious injury by the debtor to another entity or to the property of another entity.”

82. In the Second Amended Complaint, Plaintiffs asserted claims against Bowyer for committing the intentional torts of (a) defamation, (b) commercial disparagement, (c) intentional infliction of emotional distress (as to RK only), and (d) identity theft.

83. The allegations in the Second Amended Complaint, as restated herein, support that Bowyer willfully and maliciously injured KLF and RK, by engaging in the conduct supporting all four counts of relief.

84. Bowyer's actions were willful, and involved deliberate and intentional conduct.

85. Bowyer's actions were taken for the specific purpose of causing Plaintiffs injury or with substantial certainty they could cause injury.

86. Bowyer's actions were malicious, wrongful, and without just cause or excuse.

87. Bowyer was deemed to have admitted that he sent the Manifest to harass or cause emotional harm to Plaintiffs.

88. As detailed in the Manifesto, Bowyer's defamatory statements and acts of commercial disparagement were willful acts taken for the specific purpose of causing harm to Plaintiffs and putting KLF out of business.

89. As detailed in the Manifesto, Bowyer's conduct that inflicted emotional distress upon RK was willful and taken for the specific purpose of causing harm to RK or with substantial certainty the acts would cause injury.

90. As detailed in the Manifesto, Bowyer's actions that constituted identity theft, pretending to be RK or KLF and signing them up to receive countless newsletters in an effort to harass them and cause their email systems to be so clogged up they were rendered unusable, was done for the specific purpose of causing RK and KLF harm or with substantial certainty the acts would cause injury.

91. Bowyer's willful and malicious conduct had the intended effect of causing harm to RK and KLF.

92. KLF and RK's claims are non-dischargeable pursuant to Section 523(a)(6).

93. Although no-final judgment was entered against Bowyer in the State Court Litigation, the Requests for Admissions that were deemed admitted by the May 6, 2019 Order, on the stated basis they were not timely answered and were not verified, should have a conclusive collateral estoppel effect on whether Bowyer's actions were willful and for the purpose of causing a malicious injury, making Plaintiffs' claims exempt from discharge under 11 U.S.C. § 523(a)(6). *See, e.g., In re Docteroff*, 133 F.3d 210, 213 (3d Cir. 1997) (holding default judgment entered against a defendant in a fraud action as a sanction for the defendant's repeated bad-faith refusals to comply with discovery requests collaterally estopped the defendant from claiming that the underlying judgment was dischargeable in bankruptcy); *In re: Bush*, 62 F. 3d 1319, 1324 (11th Cir. 1995) ("We are also reluctant to allow this debtor a second bite at the apple. . . . Such abuse of the judicial process must not be rewarded by a blind application of the general rule denying collateral estoppel effect to a default judgment.").

94. Bowyer should not be given a second bite at the apple in relitigating the issues decided by Court's May 6, 2019 Order, including but not limited to that the Manifesto established Bowyer's purpose of engaging in the acts subject of the State Court Litigation was willful and with the intent of causing harm to the Plaintiffs.

RELIEF REQUESTED

WHEREFORE, the Plaintiffs, The Kim Larm Firm LLC and Richard Kim respectfully request that the Court enter judgment against the Defendant James Fitzgerald

Bowyer declaring that, pursuant to 11 U.S.C. § 523(a)(6), all of the claims of the Kim Law Firm LLC and Richard Kim asserted in the Second Amended Complaint are non-dischargeable, and grant such other relief this Court deems just.

Respectfully submitted,

OFFIT KURMAN, P.A.

By: /s/Ryan N. Boland
RYAN N. BOLAND
PA Bar ID No. 202977
Ten Penn Center
1801 Market Street, Suite 2300
Philadelphia, PA 19103
Telephone: (267) 338-1312
Facsimile: (267) 338-1335
E-mail: rboland@offitkurman.com

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